

Migrants at Sea: high expectations, limited solutions

The third discussion session of ED4BG 2014 was very much the highlight of this year's event: Migrants at Sea; high expectations, limited solutions. A discussion intended to highlight the disparity between the capacity of Eurosur and public expectations of it, the goalposts were soon moved by the UNHCR representative to create something one audience member later described as "almost like a real debate."


The University of Manchester's Benjamin Tallis, moderating, set the stage with a review of events since a disaster in the Strait of Sicily claimed over 360 lives last year. The Italian Prime Minister, UN Secretary General Ban Ki-moon and even the Pope joined calls for action, he reminded listeners. The resultant task force and its subsequent recommendations, he said, had raised public expectations, particularly for the new Eurosur system for sharing surveillance data, despite legal and other limitations to what is currently possible. This imbalance had caused problems for border guards, the public, and migrants themselves, he told the audience; problems the panel would seek to address.

Ana Cristina Jorge, head of Joint Operations Unit at Frontex, presented the agency's position on the issue of coordination and capacity: Frontex's role is to support member states under pressure at its borders. "Eurosur came as one of the tools," she said – one of many. Eurosur is a platform for sharing information to gain a better situational picture. And the benefits could be seen in different layers: "At the national level, the creation of national coordination centres improved coordination between national authorities," which she cited as an important step in enhancing capacity in the maritime domain. "They are now working together," she said, gathering, analysing and sharing data through Eurosur. Frontex then added impact levels, other additional services and provided further analysis to create a European picture.

And herein lay the problem, she explained. The concept had become so misunderstood and misreported that the public and some politicians seemed to think it was a 'Big Brother' surveillance system. One researcher had contacted her asking for video coverage of events in Ceuta, she elaborated. The researcher believed Frontex had the ability to see at any moment what was happening where.

"Eurosur allows us to better target our operations," she explained, highlighting the legal, budgetary and other limiting factors the agency is bound by. "The better targeted they are, the better the outcome and the better the support we can give to member states."

But, "Frontex is not an organisation that coordinates search-and-rescue," she told listeners. "We contribute, we try our best to participate, but we are not responsible for coordination." National authorities have their own structures and are responsible for responding to those in distress at sea. Despite this limited role, Ms Jorge went on to highlight the number of lives saved during maritime operations – more than 37,000 in 2013.





Technology to the rescue?

David Rios Morentin, a member of the Closeye project tasked with creating the technical framework to enable surveillance data-sharing under the Eurosur project, took up the challenge of explaining the system's operational realities.

He started by saying there was, “a strong perception that the success of maritime surveillance operations is very much linked to the technical capacities available,” hence the focus on research funding in the area. But the attention on technology overshadowed crucial collateral elements, he argued, such as readiness of resources and other capabilities, where “there is margin for improvement.”


Despite this, information transparency does lead to better surveillance, he believed: “Surveillance is the prelude to intervention,” so its quality was vital to a successful response and to running “knowledge-based” operations targeted to where and when they were needed, echoing Ana Cristina Jorge's earlier assertion. This “information superiority” was therefore essential in speeding up the networking between decision makers, operators, sensors, assets. Eurosur was a huge step forward, he said, but it will have to keep growing: “In order to guarantee this information superiority there are two aspects,” he went on, saying they were closely linked: the quality and availability of information, and making the best use of that information. Describing small boats as “the main threat” at the moment, there was, “a real need to increase the range of detection, identification and tracking beyond the coastal sea.” But the sea is huge, he stressed, and to rely solely on sensors is not possible. “The use of sophisticated equipment may have created a false impression of what can be done.”

A seaman's view

Next up, Lt Marvin Ingólfsson, of the Icelandic Coast Guard, talked the audience through the realities of search and rescue at sea. Information is the foundation, with background knowledge of the operational area essential to plan the procedures and prepare effectively. During a rescue, the basic information needed is the position of the boat and time of the detection, number of boats, number of people, departure points and other details, such as weather.

A crucial factor is the presence or absence of facilitators aboard; this affects the approach methods – particularly for fast rescue boats – weapons searches, care to preserve evidence and other tactical considerations that affect some routes more than others. Nationality and language are also factors, as is religion. Religion has an effect in terms of disembarkation and how and where to put people as well as whether to separate them. And all the time the overriding issue of prioritisation: “Are there any pregnant ladies on board, minors, deaf people and so on?”

This complexity, he said, meant positioning of his ships was paramount and here again quality of information was what mattered. The search-and-rescue area in which the interception takes place also determines who will respond and what the response time will be. The question of whether it is an interception or a rescue, what the difference is, and who decides when one can so quickly become the other, is also paramount.



The tactics used by the migrants themselves also cause great problems for rescuers: “We have to show caution when approaching the boats because there's lots of panic and stress, both for the border guards and for the migrants when approaching; trying to capsize the boat, sink the boat, trying to start fires on board, all the navigational aids and evidence is dropped into the sea. Are the facilitators among them or not, are they threatening the people on board?”

Following this stark insight into the realities behind the headlines, Lt Ingólfsson described some of the post-rescue procedures such as medical examinations, security, evidence gathering and separation of facilitators from other passengers, to name just a few. The sheer numbers involved also cause logistical problems, even risking rescue crews due to overloading of their own vessels. All these details, delivered in the matter-of-fact style of an experienced officer, painted a graphic picture of sea patrols and their true nature from a seaman's perspective. “When people are being rescued, and the goal is getting rescued,” he concluded, “then of course they will reach the goal.”

Migrants and refugees...


Lt Ingólfsson's insightful look into the real world of border guarding would have been the highlight of the event had the head of the UNHCR's office in Greece not been next to take the floor. Giorgos Tsarbopoulos started by saying that seven minutes to give the realities from the migrants' perspective would be a very difficult task. He kicked off by recalling something Ilkka Laitinen, the outgoing Frontex executive director, had highlighted in an earlier debate – the importance of not simplifying.

“Complex issues call for a comprehensive response,” he said, “and this should come first from the policy-makers.” The crucial question then became how to balance the need to prevent irregular border crossings with the need to provide access to safety and protection for refugees: “And in order to not simplify, I would ask you to stop speaking about migrants and at least start speaking about migrants and refugees.” Many of the people arriving by boat in the Mediterranean are from refugee-producing countries, Mr Tsarbopoulos pointed out.

“My observations, my appeals and my scepticism are mainly addressed at policy makers,” he clarified, adding that some also affected those who implement those policies. Those appeals fell into three main categories: “[First] their life at serious risk when they take the sea crossing; second, additional dangers of human rights abuses that strict border control measures might cause, and third, international protection needs not properly addressed.”

The appropriate responses he said should be first to prevent loss of life, then to not create additional dangers during border surveillance – specifying allegations of push-backs and reports of ill-treatment and what he called the “red lines” between interception and deterrence at sea – and, finally, to ensure safety and protection for refugees: “This is nice politically but very difficult to implement operationally at the sea borders.”

Referring to the East Aegean, he said most of the people arriving were from Syria, Afghanistan, Somalia and Eritrea, as well as Palestinians, together accounting for up to 90 percent of all detections. “So you see the refugee angle on the east crossing.” This he attributed to the construction of a border fence in Evros (the Greek-Turkish land border area)



among other factors: “So we managed to control better the land borders and as a result we have increased sea crossings with shipwrecks and people dead.”

In order to reduce the loss of human life, he said, UNHCR proposed further strengthening of search-and-rescue at sea and reinforcement and maintenance of patrols along the Mediterranean routes. Here he emphasised the importance of rescuing any vessel that was incapable of safe travel, referencing the new rules governing Frontex-coordinated sea operations as possibly being helpful in that regard.

Mare Nostrum

Mr Tsarbopoulos highlighted Italy's naval initiative, Mare Nostrum, which he described as a preventative intervention as it intercepted boats before they got into distress, and said there would be a need for a replacement operation in the event of Mare Nostrum being discontinued. “One of the key elements is a stronger joint EU response through shared responsibility of member states, and my question is: What is Frontex's approach and what will Frontex's role be if after June the Italian government is unable to continue Mare Nostrum?”


There followed a comparison of media extracts portraying Mare Nostrum either as a life-saving initiative or as a ferry service for migrants. In the Aegean, he said, there was room for improvement in search-and-rescue capacity, with a key element being greater cooperation between Greek and Turkish coastguard authorities though Frontex also had an important role to play. Again highlighting push-backs as well as other accusations of rights abuses, all of which needed investigation in his view, how, he asked, could Frontex, “play a more active role in monitoring these allegations? This is my question.”

Returning to operational level, even in the absence of push-backs and human rights abuses, he said: “The deterrence measures at sea per se might generate increased risks to people's life and safety. Where to put the 'red lines'?”

Depending on how operations are conducted and on specific conditions at sea, Tsarbopoulos suggested, “maybe the interception or prevention of entry, which is mainly your duty, should be avoided.” Directly addressing Executive Director Ilkka Laitinen, sitting in the front row, he asked, “I think also, dear director, this is a very interesting debate for ‘red lines’ as I would call [them].”

Calling for greater access to protection and more possibilities for legal crossings, he brushed aside for the second time the moderator's attempts to curtail his intervention, finishing with a direct appeal to Frontex: “I'm sorry to provoke you, it's not you it's the policy-makers, but this debate needs to start otherwise we will have another Lampedusa tragedy when Italy will not be able to continue the big operation it's carrying out today.”

Ana Cristina Jorge took up the subject of policy, concurring: “We have to start finally discussing this in a serious manner and stop thinking that the ultimate solution is to put operations in the Mediterranean. [...] This is just one instrument. [...] Migration policy needs to be revised and channels need to be opened in order to prevent people from having to come to Europe this way.”



Picking up on a point from an earlier debate about ‘smart border guards’ she added: “We have smart officers. I am convinced that our officers are smart and that they are making the right decisions in order to save lives at sea and to try to balance the objectives of border surveillance without neglecting the need to respect fundamental rights at all times.”

The theme of provocations gained more pace when Georgios Tsarbopoulos again addressed Frontex, asking how many guards and surveillance officers there were compared with only one person to safeguard human rights. “I may be a little provocative, but please reinforce this component, it can play a very, very crucial role,” he said, calling on Frontex to also reinforce its monitoring role, especially on site during patrols, saying, “compliance with human rights is extremely important for the credibility of border surveillance operations.” He also requested that whenever there is reason to amend an operational plan, those amendments be made on the spot. He ended by saying that Frontex was in the best position to promote debate and initiate discussion with policy makers on these matters.

Extra time...

The barrage of provocations spurred Klaus Klaus Rösler, director of operations division at Frontex, into action. Declaring himself provoked, Rösler launched into a counter-provocation of his own: “I will try to play this ball by first saying that one Fundamental Rights Officer does not mean that Frontex staff is not committed to fundamental rights. Period.” Defending Frontex without being defensive, Rösler stated with conviction that, “We all have the saving lives as a priority. This is written and this is done.”

Referring to the title of the discussion, he went on to claim that the high expectations were related to migration management while the limited solutions referred to the limited role of border control. “Border control is not migration management,” he insisted, reiterating that increased border control is not the solution. “What has Mare Nostrum to do with border control? And why is the border control agency supposed to replace it.”

Leading not with counter-accusations but by seeking ways forward, the director of operations said it was a pity and regrettable that the UNHCR was unable to function in Libya and a weakness for refugee protection that the refugee agency’s experience and expertise could not be brought to bear there, as that would be an important part of the solution, in his opinion.

Giorgos Tsarbopoulos agreed that prevention is better than cure when it comes to maritime migration and also conceded that Mare Nostrum is not about border control, but, “something needs to be done to guarantee continuity.” He confessed to not having a full solution but insisted that the priority must be “that people should be saved before their boats start to sink, because then it’s too late to intervene. [...] I’m not blaming Frontex, but is the EU prepared [for the end of Mare Nostrum]?”